

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**JACQUELINE SILVER**

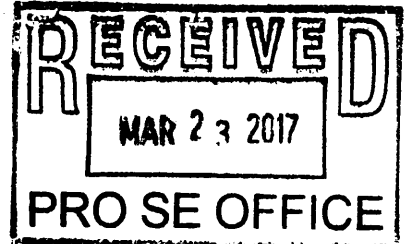
15CV- 3462 (ARR)  
NOTICE OF MOTION

--Plaintiff--

--against--

**SERGEANT SCOTT DALESSANDRO,  
POLICE OFFICER LUIGI GALANO,  
POLICE OFFICER NICHOLAS KOSTAS, AND  
POLICE OFFICER EDWARD STINE.**

--Defendants--



**PLEASE TAKE NOTICE**, that upon the annexed affidavit of Jacqueline Silver sworn to March 14, 2017, and upon the **subpoena** to produce documents, herein, prose plaintiff will move this court, Judge Allyne R. Ross, United States District Court, United States Courthouse, Brooklyn, New York 11201., on the 29<sup>th</sup> day of March, 2017, as soon thereafter as Jacqueline Silver, prose plaintiff can be heard, for an order granting Victor and Susan Wortman in contempt of court for failure to respond to the subpoena that was served on them personally on

December 26, 2016.

Dated: Queens, New York

March 14, 2017

Jacqueline Silver  
Plaintiff Pro Se  
P.O. Box 604726  
Bayside, NY 11360

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**JACQUELINE SILVER**

15CV- 3462 (ARR)  
Affirmation

--Plaintiff--

--against--

**SERGEANT SCOTT DALESSANDRO,  
POLICE OFFICER LUIGI GALANO,  
POLICE OFFICER NICHOLAS KOSTAS, AND  
POLICE OFFICER EDWARD STINE.**

--Defendants--

STATE OF NEW YORK) ss:  
COUNTY OF KINGS )

I, JACQUELINE SILVER, being duly sworn, deposes and says, I am the pro se plaintiff in the above entitled action and respectfully move this court to issue an order compelling Susan and Victor Wortman to answer the subpoena that was personally served on them on December 26, 2016. Please see attached subpoenas, and letter to the Wortmans'

The reason why I am entitled to this relief I seek is the following. Plaintiff Ms. Silver made a good faith effort to try to obtain the documents through subpoenas , phone calls and letters. On December 26, 2016 at or around 4:59 pm, Mr. Gottlieb personally served Susan and Victor Wortman the attached Subpoenas to Produce Documents to my P.O. Box in Bayside by January 30<sup>th</sup>, 2017. Mr. and Mrs. Wortman failed to answer the subpoena by the January 30<sup>th</sup> deadline.

On or around February 9<sup>th</sup>, plaintiff sent a letter to Susan and Victor Wortman in an attempt once again to get them to answer the subpoena, Hon. Ross please see attached

letter that was sent to them. I gave them until February 16<sup>th</sup> to answer the subpoena. Once again, it wasn't answered. Plaintiff made a last ditch effort by having an attorney call Victor Wortman to speak to him about their failure to answer the subpoena. On Saturday February 18<sup>th</sup>, Mr. Farina called Victor Wortman to speak to him about the subpoena and not complying with it and how he can't ignore the subpoena, he also told him to call him back and if he is represented by an attorney to have the attorney contact him. Mr. Wortman ignored this message and never called Mr. Farina Esq. back. As of March 13, 2017 the Wortmans' haven't answered the subpoena.

Under Federal Rule of Civil Procedure 45(e), the issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena." Rule 45 g grants the court the power to hold a party in contempt "simply on the basis of failure to comply with the subpoena." See Hunter TBA, Inc. v. Triple V Sales, 250 F.R.D. 116 (E.D.N.Y. 2008) citing PaineWebber, Inc. v. Acstar Ins. Co., 211 F.R.D. 247,249 (S.D.N.Y. 2002) citing Diamond v. Simon, No. 89 CV 7061, 1994 WL 10622 at \*1 (S.D.N.Y. Jan. 10, 1994); and Daval SteelProds. v. M/V Fakredine, 951 F.2d 1357, 1364 (2d.Cir. 1991). The Court has the authority to enforce its subpoenas and orders by the power of civil contempt. The purposes of sanctions in a civil contempt proceeding are to coerce the contemnor into complying with an Order of the Court and to compensate the harmed party for losses sustained on account of the contempt. In re Sciaba, 334 B.R. 524 (Bankr. D. Mass. 2005) citing In re Tower Recovery Systems, Inc., 950 F.2d 798, 802 (1<sup>st</sup> Cir. 1991).

The reason why I am entitled to the relief I seek is the following I have done all the due diligence I could do for Mr. and Mrs. Wortman in order for them to answer the subpoena. Once again Hon. Ross Mr. and Mrs. Wortman were properly served on December 26, they both had

ample time to answer the subpoena, they failed to do that.


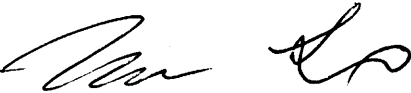
Back in February 2016, Victor Wortman and myself had a phone conversation, in which he has told me that he had documents of mine that I could use in court. He has told me that he has no use for them, he doesn't know who gave them to him, that maybe somebody wanted to protect him. Back in February 2016, Victor Worttman was supposed to give me my documents but failed to do so.. Plaintiff is concerned about these documents as they are in Mr. Wortmans' possession.

WHEREFORE, I respectfully request that the court grant the within motion, as well as such other and further relief that the court feels is just and proper.

Sworn to before me this day of 16<sup>th</sup>

March, 2017.

Notary Public



Jacqueline Silver  
Plaintiff Pro Se



AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Jacqueline Silver  
Plaintiff  
v.  
Sergeant Scott D'Alessandro  
Police Officer W.S. Balanoff  
Defendant  
AC

Civil Action No. 15CU 3162

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Victor Worthman (212-02 16<sup>th</sup> Avenue)

(Name of person to whom this subpoena is directed)

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Any and all documents that you have in your possession (212-02 16<sup>th</sup> Avenue) concerning that you have in your the matter of Silver v NYPP, Silver vs Silver, including but not limited to

Place: <u>Jacqueline Silver</u> <u>P.O. Box 6026</u> <u>Bay Shore NY 11360</u>	Date and Time: <u>January 30, 2017</u>
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☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place: <u>medical health records for Silver for years 2010 to present, and criminal records and police reports</u>	Date and Time: <u>Jacqueline (Jackie)</u>
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The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **NOV 04 2016**

**DOUGLAS C. PALMER**  
CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) \_\_\_\_\_, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Addendum To Craig Gottliebs Affidavit of Service  
Affidavit of Service will be submitted  
if required by court.

On December 26, 2016 at 4:59 pm I went to the home of Susan and Victor Wortman. I rang the doorbell and their upstairs neighbor opened the door and knocked on the Wortmans door. A female opened the door and I said, "Susan Wortman?", she hesitantly responded, "yes", and I told her that I had papers for her, and when she asked what kind, I told her legal papers." Victor Wortman then appeared next to her and asked me if they were from Jackie Silver and I said I didn't know. Mr. Wortman then asked me if I had a license. I reached out to give them both the documents and they fell to the floor. Susan said "What is this shit, I'm not taking them and they fell to the floor. Mr. Wortman was silenced. As I was closing the door, Mrs. Wortman picked up the documents and threw them, they landed out the door. Several minutes later, I observed, Mr. Wortman picking up the papers from the stoop, and taking them into the house.

Jacqueline Silver, plaintiff in this action observed the papers landing on the stoop. Mrs. Wortman yelled out of the window, "Jackie- (Jacqueline) as we speak I am calling the cops." Jacqueline said to Mrs. Wortman, I am a process server and you were served.

**JACQUELINE SILVER**

15CV- 3462

--Plaintiff--

--against--

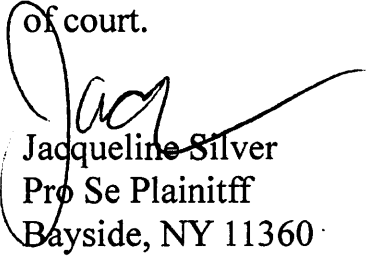
**SERGEANT SCOTT DALESSANDRO,  
POLICE OFFICER LUIGI GALANO,  
POLICE OFFICER NICHOLAS KOSTAS, AND  
POLICE OFFICER EDWARD STINE.**

--Defendants--

Mr. Victor Wortman  
212-02 16<sup>th</sup> Avenue  
Bayside NY, 11360

Mr. Wortman,

On December 26, 2016, at about 5pm, Mr. Gottlieb served you the attached Subpeona to Produce Documents to P.O. Box 604726 Bayside, NY 11360 by January 30, 2017. You never answered the Subpeona. I will give you until the 16<sup>th</sup> of February to comply with the Subpeona and answer it. At that point if the subpeona isn't answered I will put in a Motion to the Judge in the Federal Court asking to hold you in contempt of court.



Jacqueline Silver  
Pro Se Plaintiff  
Bayside, NY 11360  
February 9, 2017

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Jaqueline Silver

Plaintiff

v.

Civil Action No. 15CV 3462

Sergeant Scott Dalessandro

Defendant

Police Officer Luisi Galao et alSUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: SUSAN WORTMAN (Melanie)

(Name of person to whom this subpoena is directed)

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: ... Any and all documents that you have in your possession (212-02 16<sup>th</sup> Avenue) concerning the matter of Silver v NYPD et al, Silver vs Silver, including but not limited to medical records

Place: <u>Jaqueline Silver</u> <u>P.O. Box 604726 Bayside, NY 11360</u>	Date and Time: <u>January, 30<sup>th</sup> 2017</u>
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☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place: <u>records of plaintiff Jacqueline Silver for years 2010 to present</u> <u>any and all documents in your possession, criminal records</u>	Date and Time: <u>police reports health records</u>
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The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **NOV 04 2016****DOUGLAS C. PALMER**

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party)

, who issues or requests this subpoena, are:

Jaqueline Silver (pro se)

## Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

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Jacqueline Silver, plaintiff in this action observed the papers landing on the stoop. Mrs. Wortman yelled out of the window, "Jackie- (Jacqueline) as we speak I am calling the cops." Jacqueline said to Mrs. Wortman, I am a process server and you were served.

JACQUELINE SILVER

15CV- 3462

--Plaintiff--

--against--

SERGEANT SCOTT DALESSANDRO,  
POLICE OFFICER LUIGI GALANO,  
POLICE OFFICER NICHOLAS KOSTAS, AND  
POLICE OFFICER EDWARD STINE.

--Defendants--

Ms. Susan Wortman  
212-02 16<sup>th</sup> Avenue  
Bayside NY, 11360

Ms. Wortman,

On December 26, 2016, at about 5pm, Mr. Gottlieb served you the attached Subpeona to Produce Documents to P.O. Box 604726 Bayside, NY 11360 by January 30, 2017. You never answered the Subpeona. I will give you until the 16<sup>th</sup> of February to comply with the Subpeona and answer it. At that point if the Subpeona isn't answered I will put in a Motion to the Judge in the Federal Court asking to hold you in contempt of court.

Jacqueline Silver  
Pro Se Plaintiff  
Bayside, NY 11360  
February 9, 2017